PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/965,423
Filing Date:	September 27, 2001
Applicants:	Ali Rihan and Emerson Keith Colyer
Group Art Unit:	1713
Examiner:	Tatyana Zalukaeva
Title:	Fast Drying Clearcoat Refinish Composition
Docket Nos.:	IN-5501 (BASF) 0906-000311 (Harness, Dickey & Pierce)

Declaration of Emerson Keith Colyer Under 37 C.F.R. § 1.132

I, Emerson Keith Colyer, do say and declare:

1. I have been employed as a research and development chemist in the automotive refinish coatings field for over 11 years and as a research and development chemist in general for about 17 years. I am an inventor of this application.

2. I read Rink et al. U.S. Patent Number 5,759,631. I considered Example E3 from the Rink et al. patent to most closely approach the composition of my invention. I prepared a resin solution of the Example E3 resin from the Rink et al. patent which had a higher number average molecular weight, Mn, than reported in Rink et al. patent example E3 (reported Mn 2711). The higher Mn was a result of using a lower strength initiator solution. The Rink et al. patent discloses in Claim 7 a preferred number average molecular weight range of 1800 to 4000. Consequently, at Mn of 4100 , the comparative example resin is closer to the lower Mn limit of our invention but still about the preferred number average molecular weight of the Rink et al patent.

3. I carried out the synthesis as follows.

Comparative Example B. Preparation of Acrylic Polymer according to Rink et al., U.S. Patent Number 5,759,631, modified from Example E3.

An acrylic co-polymer was prepared by polymerizing a mixture comprising 42 parts by weight t-butyl-cyclohexyl acrylate, 29 parts by weight hydroxypropyl acrylate, 16 parts by weight styrene, 7 parts by weight 2-ethylhexy acrylate, 6 parts by weight n-butyl methacrylate, and 0.5 parts by weight 2-mercaptoethanol in Solvesso100 using a mixture of t-butylcumyl peroxide in xylene at 145°C. over 4 hours. The resin product was reduced to ~62% non-volatiles with n-butyl acetate. The resultant resin had a number average molecular weight of about 4100 as determined by GPC using polystyrene standards.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like if made herein would be punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application or any patent issuing therefrom.

Emerson Keith Colyer

Emerson Keith Colyer

December 4, 2002